

AMENDED IN ASSEMBLY JULY 21, 2003
AMENDED IN ASSEMBLY JULY 8, 2003
AMENDED IN ASSEMBLY JUNE 16, 2003
AMENDED IN SENATE APRIL 29, 2003
AMENDED IN SENATE APRIL 22, 2003
AMENDED IN SENATE APRIL 1, 2003

SENATE BILL

No. 54

Introduced by Senator Dunn

January 13, 2003

An act to amend Sections 18300, 18610.5, 18865, and 18872.1 of, and to add Section 18407 to, the Health and Safety Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

SB 54, as amended, Dunn. Mobilehomes.

(1) The existing Mobilehome Parks Act generally provides for enforcement of the act by a local enforcement agency.

This bill would make a legislative finding and declaration that it is necessary that the enforcement agency should notify a complainant regarding a violation of the act as to when the complaint will be investigated, and to advise the complainant of the findings of the inspector.

(2) The Mobilehome Parks Act and the Special Occupancy Parks Act prohibit creating, moving, shifting, or altering of park lot lines without written authorization of the local planning agency.

This bill, instead, would require the written authorization of the registered owner of a mobilehome or manufactured home, or the occupant, resident, or tenant of a lot subject to the Special Occupancy Parks Act and a permit issued to the park owner or operator by the enforcement agency pursuant to prescribed procedures prior to creating, moving, shifting, or altering of park lot lines, as specified. Because a willful violation of the Mobilehome Parks Act or the Special Occupancy Parks Act is a misdemeanor, a willful violation of this requirement would constitute a crime. The bill would authorize the Department of Housing and Community Development to adopt a fee for the permit. *These provisions would become operative July 1, 2005.*

(3) *This bill also would incorporate additional changes in Sections 18300 and 18865 of the Health and Safety Code proposed by SB 306, to be operative if SB 306 and this bill are both enacted and become effective on or before January 1, 2004, and this bill is enacted last.*

(4) The bill would create a state-mandated local program by imposing new duties on local agencies and by creating new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18300 of the Health and Safety Code,
2 as amended by Section 17 of Chapter 434 of the Statutes of 2001,
3 is amended to read:
4 18300. (a) This part applies to all parts of the state and
5 supersedes any ordinance enacted by any city, county, or city and
6 county, whether general law or chartered, applicable to this part.
7 Except as provided in Section 18930, the department may adopt
8 regulations to interpret and make specific this part and, when
9 adopted, the regulations shall apply to all parts of the state.
10 (b) Upon 30 days' written notice from the governing body to
11 the department, any city, county, or city and county may assume
12 the responsibility for the enforcement of both this part and Part 2.3

(commencing with Section 18860) and the regulations adopted pursuant to this part and Part 2.3 (commencing with Section 18860) following approval by the department for the assumption.

(c) The department shall adopt regulations that set forth the conditions for assumption and may include required qualifications of local enforcement agencies. The conditions set forth and the qualifications required in the regulations shall relate solely to the ability of local agencies to enforce properly this part and the regulations adopted pursuant to this part. The regulations shall not set forth requirements for local agencies different than those that the state maintains for its own enforcement program. When assumption is approved, the department shall transfer the responsibility for enforcement to the city, county, or city and county, together with all records of parks within the jurisdiction of the city, county, or city and county.

(d) (1) In the event of nonenforcement of this part or the regulations adopted pursuant to this part by a city, county, or city and county, the department shall enforce both this part and Part 2.3 (commencing with Section 18860) and the regulations adopted pursuant to this part and Part 2.3 (commencing with Section 18860) in the city, county, or city and county, after the department has given written notice to the governing body of the city, county, or city and county, setting forth in what respects the city, county, or city and county has failed to discharge its responsibility, and the city, county, or city and county has failed to initiate corrective measures to carry out its responsibility within 30 days of the notice.

(2) Where the department determines that the local enforcement agency is not properly enforcing this part or Part 2.3 (commencing with Section 18860), the local enforcement agency may appeal the decision to the director of the department.

(e) Any city, city and county, or county, upon written notice from the governing body to the department, may cancel its assumption of responsibility for the enforcement of both this part and Part 2.3 (commencing with Section 18860). The department, upon receipt of the notice, shall assume responsibility within 30 days.

(f) Every city, county, or city and county, within its jurisdiction, shall enforce this part and the regulations adopted pursuant to this part, as they relate to manufactured homes, mobilehomes, or

1 recreational vehicles, and to accessory buildings or structures
2 located in both of the following areas:

3 (1) Inside of parks while the city, county, or city and county has
4 assumed responsibility for enforcement of both this part and Part
5 2.3 (commencing with Section 18860).

6 (2) Outside of parks.

7 (g) This part shall not prevent local authorities of any city,
8 county, or city and county, within the reasonable exercise of their
9 police powers, from doing any of the following:

10 (1) From establishing, subject to the requirements of Sections
11 65852.3 and 65852.7 of the Government Code, certain zones for
12 manufactured homes, mobilehomes, and mobilehome parks
13 within the city, county, or city and county, or establishing types of
14 uses and locations, including family mobilehome parks, senior
15 mobilehome parks, mobilehome condominiums, mobilehome
16 subdivisions, or mobilehome planned unit developments within
17 the city, county, or city and county, as defined in the zoning
18 ordinance, or from adopting rules and regulations by ordinance or
19 resolution prescribing park perimeter walls or enclosures on
20 public street frontage, signs, access, and vehicle parking or from
21 prescribing the prohibition of certain uses for mobilehome parks.

22 (2) From regulating the construction and use of equipment and
23 facilities located outside of a manufactured home or mobilehome
24 used to supply gas, water, or electricity thereto, except facilities
25 owned, operated, and maintained by a public utility, or to dispose
26 of sewage or other waste therefrom when the facilities are located
27 outside a park for which a permit is required by this part or the
28 regulations adopted pursuant thereto.

29 (3) From requiring a permit to use a manufactured home or
30 mobilehome outside a park for which a permit is required by this
31 part or by regulations adopted pursuant thereto, and require a fee
32 therefor by local ordinance commensurate with the cost of
33 enforcing this part and local ordinance with reference to the use of
34 manufactured homes and mobilehomes, which permit may be
35 refused or revoked if the use violates this part or Part 2
36 (commencing with Section 18000), any regulations adopted
37 pursuant thereto, or any local ordinance applicable to that use.

38 (4) From requiring a local building permit to construct an
39 accessory structure for a manufactured home or mobilehome when
40 the manufactured home or mobilehome is located outside a



mobilehome park, under circumstances when this part or Part 2 (commencing with Section 18000) and the regulations adopted pursuant thereto do not require the issuance of a permit therefor by the department.

(5) From prescribing and enforcing setback and separation requirements governing the installation of a manufactured home, mobilehome, or mobilehome accessory structure or building installed outside of a mobilehome park.

(h) (1) A city, including a charter city, county, or city and county, shall not require the average density in a new park to be less than that permitted by the applicable zoning ordinance, plus any density bonus, as defined in Section 65915 of the Government Code, for other affordable housing forms.

(2) A city, including a charter city, county, or city and county, shall not require a new park to include a clubhouse. Recreational facilities, recreational areas, accessory structures, or improvements may be required only to the extent that the facilities or improvements are required in other types of residential developments containing a like number of residential dwelling units.

(3) A city, including a charter city, county, or city and county, shall not require the setback and separation requirements authorized by paragraph (5) of subdivision (g) to be greater than those permitted by applicable ordinances for other housing forms.

(i) The department may, at the department's sole option, enforce plan review activities associated with this part and the rules and regulations adopted thereunder through department-approved plan checking agencies. The department shall adopt regulations for approving and monitoring plan checking agencies, including, but not limited to, all of the following criteria:

(1) Freedom of any conflict of interest.

(2) Qualifications of personnel.

(3) A prohibition against collusive or fraudulent actions related to the performance of activities required by this part.

(4) Establishment of a schedule of fees to offset the department's cost of administering the approval and monitoring activities.

(5) Establishment of procedures for reimbursement to plan checking agencies for plan review services rendered.

(6) Establishment of a schedule of citations and administrative fines issued by the department upon finding a violation of this subdivision on the part of a plan checking agency.

(7) Any other conditions of operation the department may reasonably require.

(j) (1) The department may, by regulation, provide for the qualification of plan checking agencies to perform reviews of plans and specifications for the construction of mobilehome parks and to perform reviews of plans and specifications for the construction of additional buildings or lots, the alteration of buildings, lots, or other installations, in an existing mobilehome park, in areas in which the department is the enforcement agency. The regulations shall specify that all approved plan checking agencies shall employ at least one architect or engineer, licensed by the state, and that the architect or engineer shall be responsible for all plan review activity specified in this part. Plans approved by department-approved agencies shall be deemed the equivalent of department approval of those plans.

(2) No agency approved to serve as a plan checking agency pursuant to this subdivision shall have a financial interest in any mobilehome park, with any owner, developer, or contractor of a mobilehome park, or in any entity used by the department for the purpose of performing oversight of the performance of plan checking agencies.

SEC. 1.5. Section 18300 of the Health and Safety Code, as amended by Section 17 of Chapter 434 of the Statutes of 2001, is amended to read:

18300. (a) This part applies to all parts of the state and supersedes any ordinance enacted by any city, county, or city and county, whether general law or chartered, applicable to this part. Except as provided in Section 18930, the department may adopt regulations to interpret and make specific this part and, when adopted, the regulations shall apply to all parts of the state.

(b) Upon 30 days' written notice from the governing body to the department, any city, county, or city and county may assume the responsibility for the enforcement of both this part and Part 2.3 (commencing with Section 18860) and the regulations adopted pursuant to this part and Part 2.3 (commencing with Section 18860) following approval by the department for the assumption.



(c) The department shall adopt regulations that set forth the conditions for assumption and may include required qualifications of local enforcement agencies. The conditions set forth and the qualifications required in the regulations ~~that set forth the conditions for assumption~~ shall relate solely to the ability of local agencies to enforce properly this part and the regulations adopted pursuant to this part. The regulations ~~that set forth the conditions for assumption~~ shall not set forth requirements for local agencies different than those that the state maintains for its own enforcement program. When assumption is approved, the department shall transfer the responsibility for enforcement to the city, county, or city and county, together with all records of parks within the jurisdiction of the city, county, or city and county.

(d) (1) In the event of nonenforcement of this part or the regulations adopted pursuant to this part by a city, county, or city and county, the department shall enforce both this part and Part 2.3 (commencing with Section 18860) and the regulations adopted pursuant to this part and Part 2.3 (commencing with Section 18860) in the city, county, or city and county, after the department has given written notice to the governing body of the city, county, or city and county, setting forth in what respects the city, county, or city and county has failed to discharge its responsibility, and the city, county, or city and county has failed to initiate corrective measures to carry out its responsibility within 30 days of the notice.

(2) Where the department determines that the local enforcement agency is not properly enforcing this part or Part 2.3 (commencing with Section 18860), the local enforcement agency may appeal the decision to the director of the department.

(e) Any city, city and county, or county, upon written notice from the governing body to the department, may cancel its assumption of responsibility for the enforcement of both this part and Part 2.3 (commencing with Section 18860). The department, upon receipt of the notice, shall assume responsibility within 30 days.

(f) Every city, county, or city and county, within its jurisdiction, shall enforce this part and the regulations adopted pursuant to this part, as they relate to manufactured homes, mobilehomes, or recreational vehicles, and to accessory buildings or structures located in both of the following areas:

1 (1) Inside of parks while the city, county, or city and county has
2 assumed responsibility for enforcement of both this part and Part
3 2.3 (commencing with Section 18860).

4 (2) Outside of parks.

5 (g) This part shall not prevent local authorities of any city,
6 county, or city and county, within the reasonable exercise of their
7 police powers, from doing any of the following:

8 (1) From establishing, subject to the requirements of Sections
9 65852.3 and 65852.7 of the Government Code, certain zones for
10 manufactured homes, mobilehomes, and mobilehome parks
11 within the city, county, or city and county, or establishing types of
12 uses and locations, including family mobilehome parks, senior
13 mobilehome parks, mobilehome condominiums, mobilehome
14 subdivisions, or mobilehome planned unit developments within
15 the city, county, or city and county, as defined in the zoning
16 ordinance, or from adopting rules and regulations by ordinance or
17 resolution prescribing park perimeter walls or enclosures on
18 public street frontage, signs, access, and vehicle parking or from
19 prescribing the prohibition of certain uses for mobilehome parks.

20 (2) From regulating the construction and use of equipment and
21 facilities located outside of a manufactured home or mobilehome
22 used to supply gas, water, or electricity thereto, except facilities
23 owned, operated, and maintained by a public utility, or to dispose
24 of sewage or other waste therefrom when the facilities are located
25 outside a park for which a permit is required by this part or the
26 regulations adopted pursuant thereto.

27 (3) From requiring a permit to use a manufactured home or
28 mobilehome outside a park for which a permit is required by this
29 part or by regulations adopted pursuant thereto, and require a fee
30 therefor by local ordinance commensurate with the cost of
31 enforcing this part and local ordinance with reference to the use of
32 manufactured homes and mobilehomes, which permit may be
33 refused or revoked if the use violates this part or Part 2
34 (commencing with Section 18000), any regulations adopted
35 pursuant thereto, or any local ordinance applicable to that use.

36 (4) From requiring a local building permit to construct an
37 accessory structure for a manufactured home or mobilehome when
38 the manufactured home or mobilehome is located outside a
39 mobilehome park, under circumstances when this part or Part 2
40 (commencing with Section 18000) and the regulations adopted

1 pursuant thereto do not require the issuance of a permit therefor by
2 the department.

3 ~~(5) From authorizing the creation, movement, shifting, or~~
4 ~~alteration of mobilehome park lot lines as specified in Section~~
5 ~~18610.5.~~

6 ~~(6) From prescribing and enforcing setback and separation~~
7 ~~requirements governing the installation of a manufactured home,~~
8 ~~mobilehome, or mobilehome accessory structure or building~~
9 ~~installed outside of a mobilehome park.~~

10 (h) (1) A city, including a charter city, county, or city and
11 county, shall not require the average density in a new park to be less
12 than that permitted by the applicable zoning ordinance, plus any
13 density bonus, as defined in Section 65915 of the Government
14 Code, for other affordable housing forms.

15 (2) A city, including a charter city, county, or city and county,
16 shall not require a new park to include a clubhouse. Recreational
17 facilities, recreational areas, accessory structures, or
18 improvements may be required only to the extent that the facilities
19 or improvements are required in other types of residential
20 developments containing a like number of residential dwelling
21 units.

22 (3) A city, including a charter city, county, or city and county,
23 shall not require the setback and separation requirements
24 authorized by paragraph ~~(6)~~ (5) of subdivision (g) to be greater
25 than those permitted by applicable ordinances for other housing
26 forms.

27 ~~(i) The department may, at the department's sole option,~~
28 ~~enforce plan review activities associated with this part and the~~
29 ~~rules and regulations adopted thereunder through~~
30 ~~department approved plan checking agencies. The department~~
31 ~~shall adopt regulations for approving and monitoring plan~~
32 ~~checking agencies, including, but not limited to, all of the~~
33 ~~following criteria:~~

34 ~~(1) Freedom of any conflict of interest.~~

35 ~~(2) Qualifications of personnel.~~

36 ~~(3) A prohibition against collusive or fraudulent actions related~~
37 ~~to the performance of activities required by this part.~~

38 ~~(4) Establishment of a schedule of fees to offset the~~
39 ~~department's cost of administering the approval and monitoring~~
40 ~~activities.~~

~~(5) Establishment of procedures for reimbursement to plan checking agencies for plan review services rendered.~~

~~(6) Establishment of a schedule of citations and administrative fines issued by the department upon finding a violation of this subdivision on the part of a plan checking agency.~~

~~(7) Any other conditions of operation the department may reasonably require.~~

~~(j) (1) The department may, by regulation, provide for the qualification of plan checking agencies to perform reviews of plans and specifications for the construction of mobilehome parks and to perform reviews of plans and specifications for the construction of additional buildings or lots, the alteration of buildings, lots, or other installations, in an existing mobilehome park, in areas in which the department is the enforcement agency. The regulations shall specify that all approved plan checking agencies shall employ at least one architect or engineer, licensed by the state, and that the architect or engineer shall be responsible for all plan review activity specified in this part. Plans approved by department approved agencies shall be deemed the equivalent of department approval of those plans.~~

~~(2) No agency approved to serve as a plan checking agency pursuant to this subdivision shall have a financial interest in any mobilehome park, with any owner, developer, or contractor of a mobilehome park, or in any entity used by the department for the purpose of performing oversight of the performance of plan checking agencies.~~

SEC. 2. Section 18407 is added to the Health and Safety Code, to read:

18407. The Legislature finds and declares that, because the health and safety of mobilehome park occupants is a matter of public interest and concern, it is necessary, pursuant to a complaint about a violation of this part to the enforcement agency, that the enforcement agency should notify the complainant in advance of the date when the agency's inspector or representative is scheduled to investigate the complaint, to give the complainant an opportunity to be present to speak to the inspector or representative, and that following an inspection of the complaint, the agency contact the complainant to advise him or her of the inspector's or representative's findings concerning the complaint.

1 SEC. 3. Section 18610.5 of the Health and Safety Code is
2 amended to read:

3 18610.5. (a) Park lot lines shall not be created, moved,
4 shifted, or altered without a permit issued to the park owner or
5 operator by the enforcement agency and the written authorization
6 of the registered owner or owners of the mobilehome or
7 manufactured home, if any, located on the lot or lots on which the
8 lot line will be created, moved, shifted, or altered.

9 (b) No park lot line shall be created, moved, shifted, or altered,
10 if the action will place the mobilehome owner, as defined by
11 Section 18400.4, of a mobilehome or manufactured home located
12 on a lot in violation of any separation or space requirements under
13 this part or under any administrative regulation.

14 (c) The park owner or operator shall submit a written
15 application for the lot line alteration permit to the enforcement
16 agency. The application shall include a list of the names and
17 addresses of the registered owners of mobilehomes or
18 manufactured homes located on the lot or lots that would be altered
19 by the proposed lot line change and the written authorization of the
20 registered owners. The enforcement agency may require, as part
21 of the application for the permit, that a mobilehome park owner or
22 operator submit to the enforcement agency documents needed to
23 demonstrate compliance with this section, including, but not
24 limited to, a detailed plot plan showing the dimensions of each lot
25 altered by the creation, movement, shifting, or alteration of the lot
26 lines. If submission of a plot plan is required, the mobilehome park
27 owner or operator shall provide a copy of the plot plan to the
28 registered owners of mobilehomes or manufactured homes located
29 on each lot that would be altered by the proposed lot line change
30 and provide the enforcement agency, as part of the application,
31 with proof of delivery by first-class postage prepaid of the copy of
32 the plot plan to the affected registered owners.

33 (d) The department may adopt a fee, by regulation, payable by
34 the applicant, for the permit authorized by this section.

35 (e) If the department is the enforcement agency and the
36 application proposes to reduce or increase the total number of lots
37 available for occupation, the applicant shall submit a copy of that
38 application and any information required by subdivision (c) to the
39 local planning agency of the jurisdiction where the park is located.

1 SEC. 4. Section 18865 of the Health and Safety Code is
2 amended to read:

3 18865. (a) This part applies to all parts of the state and
4 supersedes any ordinance enacted by any city, county, or city and
5 county, whether general law or chartered, applicable to this part.
6 Except as provided in Section 18930, the department may adopt
7 regulations to interpret and make specific this part and, when
8 adopted, the regulations shall apply to all parts of the state.

9 (b) Upon 30 days' written notice from the governing body to
10 the department, any city, county, or city and county may assume
11 the responsibility for the enforcement of both this part and Part 2.1
12 (commencing with Section 18200) and the regulations adopted
13 pursuant to this part following approval by the department for the
14 assumption.

15 (c) The department shall adopt regulations that set forth the
16 conditions for assumption and may include required qualifications
17 of local enforcement agencies. The conditions set forth and the
18 qualifications required in the regulations shall relate solely to the
19 ability of local agencies to enforce properly this part and the
20 regulations adopted pursuant to this part. The regulations shall not
21 set forth requirements for local agencies different than those that
22 the state maintains for its own enforcement program. When
23 assumption is approved, the department shall transfer the
24 responsibility for enforcement to the city, county, or city and
25 county, together with all records of special occupancy parks within
26 the jurisdiction of the city, county, or city and county.

27 (d) (1) In the event of nonenforcement of this part or the
28 regulations adopted pursuant to this part by a city, county, or city
29 and county, the department shall enforce both this part and Part 2.1
30 (commencing with Section 18200) and the regulations adopted
31 pursuant to this part and Part 2.1 in the city, county, or city and
32 county, after the department has given written notice to the
33 governing body of the city, county, or city and county, setting forth
34 in what respects the city, county, or city and county has failed to
35 discharge its responsibility, and the city, county, or city and county
36 has failed to initiate corrective measures to carry out its
37 responsibility within 30 days of the notice.

38 (2) Where the department determines that the local
39 enforcement agency is not properly enforcing this part, the local



1 enforcement agency may appeal the decision to the director of the
2 department.

3 (e) Any city, city and county, or county, upon written notice
4 from the governing body to the department, may cancel its
5 assumption of responsibility for the enforcement of both this part
6 and Part 2.1 (commencing with Section 18200). The department,
7 upon receipt of the notice, shall assume responsibility within 30
8 days.

9 (f) Every city, county, or city and county, within its jurisdiction,
10 shall enforce this part and the regulations adopted pursuant to this
11 part, as they relate to recreational vehicles and to accessory
12 buildings or structures located in both of the following areas: (1)
13 inside of parks where the city, county, or city and county has
14 assumed responsibility for enforcement of both this part and Part
15 2.1 (commencing with Section 18200), and (2) outside of parks.

16 (g) This part shall not prevent local authorities of any city,
17 county, or city and county, within the reasonable exercise of their
18 police powers, from doing any of the following:

19 (1) Establishing, subject to the requirements of Sections
20 65852.3 and 65852.7 of the Government Code, certain zones for
21 special occupancy parks within the city, county, or city and county,
22 as defined in the zoning ordinance, or from adopting rules and
23 regulations by ordinance or resolution prescribing park perimeter
24 walls or enclosures on public street frontage, signs, access, and
25 vehicle parking or from prescribing the prohibition of certain uses
26 for special occupancy parks.

27 (2) Regulating the construction and use of equipment and
28 facilities located outside of a recreational vehicle used to supply
29 gas, water, or electricity thereto, except facilities owned, operated,
30 and maintained by a public utility, or to dispose of sewage or other
31 waste therefrom when the facilities are located outside a park for
32 which a permit is required by this part or the regulations adopted
33 pursuant thereto.

34 (3) Requiring a permit to use a recreational vehicle outside a
35 park for which a permit is required by this part or by regulations
36 adopted pursuant thereto, and require a fee therefor by local
37 ordinance commensurate with the cost of enforcing this part and
38 local ordinance with reference to the use of recreational vehicles,
39 which permit may be refused or revoked if the use violates this part
40 or Part 2 (commencing with Section 18000), any regulations

1 adopted pursuant thereto, or any local ordinance applicable to that
2 use or Part 2.1 (commencing with Section 18200).

3 (h) A city, including a charter city, county, or city and county,
4 shall not require a new park to include a clubhouse. Recreational
5 facilities, recreational areas, accessory structures, or
6 improvements may be required only to the extent that the facilities
7 or improvements are required in other types of similar recreational
8 facilities, if any, in the city, county, or city and county.

9 (i) The department may, at the department's sole option,
10 enforce plan review activities associated with this part and the
11 rules and regulations adopted thereunder through
12 department-approved plan checking agencies. The department
13 shall adopt regulations for approving and monitoring plan
14 checking agencies, including, but not limited to, all of the
15 following criteria:

16 (1) Freedom of any conflict of interest.

17 (2) Qualifications of personnel.

18 (3) A prohibition against collusive or fraudulent actions related
19 to the performance of activities required by this part.

20 (4) Establishment of a schedule of fees to offset the
21 department's cost of administering the approval and monitoring
22 activities.

23 (5) Establishment of procedures for reimbursement to plan
24 checking agencies for plan review services rendered.

25 (6) Establishment of a schedule of citations and administrative
26 fines issued by the department upon finding a violation of this
27 subdivision on the part of a plan checking agency.

28 (7) Any other conditions of operation the department may
29 reasonably require.

30 (j) (1) The department may, by regulation, provide for the
31 qualification of plan checking agencies to perform reviews of
32 plans and specifications for the construction of special occupancy
33 parks and to perform reviews of plans and specifications for the
34 construction of additional buildings or lots, the alteration of
35 buildings, lots, or other installations, in an existing special
36 occupancy park, in areas in which the department is the
37 enforcement agency. The regulations shall specify that all
38 approved plan checking agencies shall employ at least one
39 architect or engineer, licensed by the state, and that the architect
40 or engineer shall be responsible for all plan review activity

specified in this part. Plans approved by department-approved agencies shall be deemed the equivalent of department approval of those plans.

(2) No agency approved to serve as a plan checking agency pursuant to this subdivision shall have a financial interest in any special occupancy park, with any owner, developer, or contractor of a special occupancy park, or in any entity used by the department for the purpose of performing oversight of the performance of plan checking agencies.

SEC. 4.5. Section 18865 of the Health and Safety Code is amended to read:

18865. (a) This part applies to all parts of the state and supersedes any ordinance enacted by any city, county, or city and county, whether general law or chartered, applicable to this part. Except as provided in Section 18930, the department may adopt regulations to interpret and make specific this part and, when adopted, the regulations shall apply to all parts of the state.

(b) Upon 30 days' written notice from the governing body to the department, any city, county, or city and county may assume the responsibility for the enforcement of both this part and Part 2.1 (commencing with Section 18200) and the regulations adopted pursuant to this part following approval by the department for the assumption.

(c) The department shall adopt regulations that set forth the conditions for assumption and may include required qualifications of local enforcement agencies. The conditions set forth and the qualifications required in the regulations shall relate solely to the ability of local agencies to enforce properly this part and the regulations adopted pursuant to this part. The regulations shall not set forth requirements for local agencies different than those that the state maintains for its own enforcement program. When assumption is approved, the department shall transfer the responsibility for enforcement to the city, county, or city and county, together with all records of special occupancy parks within the jurisdiction of the city, county, or city and county.

(d) (1) In the event of nonenforcement of this part or the regulations adopted pursuant to this part by a city, county, or city and county, the department shall enforce both this part and Part 2.1 (commencing with Section 18200) and the regulations adopted pursuant to this part and Part 2.1 in the city, county, or city and

1 county, after the department has given written notice to the
2 governing body of the city, county, or city and county, setting forth
3 in what respects the city, county, or city and county has failed to
4 discharge its responsibility, and the city, county, or city and county
5 has failed to initiate corrective measures to carry out its
6 responsibility within 30 days of the notice.

7 (2) Where the department determines that the local
8 enforcement agency is not properly enforcing this part, the local
9 enforcement agency may appeal the decision to the director of the
10 department.

11 (e) Any city, city and county, or county, upon written notice
12 from the governing body to the department, may cancel its
13 assumption of responsibility for the enforcement of both this part
14 and Part 2.1 (commencing with Section 18200). The department,
15 upon receipt of the notice, shall assume responsibility within 30
16 days.

17 (f) Every city, county, or city and county *shall*, within its
18 jurisdiction, ~~shall~~ enforce this part and the regulations adopted
19 pursuant to this part, as they relate to recreational vehicles and to
20 accessory buildings or structures located in both of the following
21 areas: (1) inside of parks where the city, county, or city and county
22 has assumed responsibility for enforcement of both this part and
23 Part 2.1 (commencing with Section 18200), and (2) outside of
24 parks.

25 (g) This part shall not prevent local authorities of any city,
26 county, or city and county, within the reasonable exercise of their
27 police powers, from doing any of the following:

28 (1) Establishing, subject to the requirements of Sections
29 65852.3 and 65852.7 of the Government Code, certain zones for
30 special occupancy parks within the city, county, or city and county,
31 as defined in the zoning ordinance, or from adopting rules and
32 regulations by ordinance or resolution prescribing park perimeter
33 walls or enclosures on public street frontage, signs, access, and
34 vehicle parking or from prescribing the prohibition of certain uses
35 for special occupancy parks.

36 (2) Regulating the construction and use of equipment and
37 facilities located outside of a recreational vehicle used to supply
38 gas, water, or electricity thereto, except facilities owned, operated,
39 and maintained by a public utility, or to dispose of sewage or other
40 waste therefrom when the facilities are located outside a park for



1 which a permit is required by this part or the regulations adopted
2 pursuant thereto.

3 (3) Requiring a permit to use a recreational vehicle outside a
4 park for which a permit is required by this part or by regulations
5 adopted pursuant thereto, and require a fee therefor by local
6 ordinance commensurate with the cost of enforcing this part and
7 local ordinance with reference to the use of recreational vehicles,
8 which permit may be refused or revoked if the use violates this part
9 or Part 2 (commencing with Section 18000), any regulations
10 adopted pursuant thereto, or any local ordinance applicable to that
11 use or Part 2.1 (commencing with Section 18200).

12 ~~(4) Authorizing the creation, movement, shifting, or alteration~~
13 ~~of park lot lines as specified in Section 18872.1.~~

14 (h) A city, including a charter city, county, or city and county,
15 shall not require a new park to include a clubhouse. Recreational
16 facilities, recreational areas, accessory structures, or
17 improvements may be required only to the extent that the facilities
18 or improvements are required in other types of similar recreational
19 facilities, if any, in the city, county, or city and county.

20 ~~(i) The department may, at the department's sole option,~~
21 ~~enforce plan review activities associated with this part and the~~
22 ~~rules and regulations adopted thereunder through~~
23 ~~department approved plan checking agencies. The department~~
24 ~~shall adopt regulations for approving and monitoring plan~~
25 ~~checking agencies, including, but not limited to, all of the~~
26 ~~following criteria:~~

27 ~~(1) Freedom of any conflict of interest.~~

28 ~~(2) Qualifications of personnel.~~

29 ~~(3) A prohibition against collusive or fraudulent actions related~~
30 ~~to the performance of activities required by this part.~~

31 ~~(4) Establishment of a schedule of fees to offset the~~
32 ~~department's cost of administering the approval and monitoring~~
33 ~~activities.~~

34 ~~(5) Establishment of procedures for reimbursement to plan~~
35 ~~checking agencies for plan review services rendered.~~

36 ~~(6) Establishment of a schedule of citations and administrative~~
37 ~~finances issued by the department upon finding a violation of this~~
38 ~~subdivision on the part of a plan checking agency.~~

39 ~~(7) Any other conditions of operation the department may~~
40 ~~reasonably require.~~

~~(j) (1) The department may, by regulation, provide for the qualification of plan checking agencies to perform reviews of plans and specifications for the construction of special occupancy parks and to perform reviews of plans and specifications for the construction of additional buildings or lots, the alteration of buildings, lots, or other installations, in an existing special occupancy park, in areas in which the department is the enforcement agency. The regulations shall specify that all approved plan checking agencies shall employ at least one architect or engineer, licensed by the state, and that the architect or engineer shall be responsible for all plan review activity specified in this part. Plans approved by department approved agencies shall be deemed the equivalent of department approval of those plans.~~

~~(2) No agency approved to serve as a plan checking agency pursuant to this subdivision shall have a financial interest in any special occupancy park, with any owner, developer, or contractor of a special occupancy park, or in any entity used by the department for the purpose of performing oversight of the performance of plan checking agencies.~~

SEC. 5. Section 18872.1 of the Health and Safety Code is amended to read:

18872.1. (a) Park lot lines shall not be created, moved, shifted, or altered without a permit issued to the park owner or operator by the enforcement agency and the written authorization of the occupant or occupants, resident, or tenant, if any, of the lot or lots on which the lot line will be created, moved, shifted, or altered.

(b) No park lot line shall be created, moved, shifted, or altered, if the action will place an occupant of a lot in violation of any separation or space requirements under this part or under any administrative regulation.

(c) The park owner or operator shall submit a written application for the lot line alteration permit to the enforcement agency. The application shall include a list of the names and addresses of the occupants, residents, or tenants, if any, of the lot or lots that would be altered by the proposed lot line change and the written authorization of the occupants, residents, or tenants. The enforcement agency may require, as part of the application for the permit, that the park owner or operator submit to the

enforcement agency documents needed to demonstrate compliance with this section, including, but not limited to, a detailed plot plan showing the dimensions of each lot altered by the creation, movement, shifting, or alteration of lot lines. If submission of a plot plan is required, the park owner or operator shall provide a copy of the plot plan to the occupants, residents, or tenants of each lot that would be altered by the proposed lot line change and provide the enforcement agency, as part of the application, with proof of delivery by first-class postage prepaid of the copy of the plot plan to the affected occupants, residents, or tenants.

(d) The department may adopt a fee, by regulation, payable by the applicant, for the permit authorized by this section.

~~SEC. 6.—~~

(e) If the department is the enforcement agency and the application proposes to reduce or increase the total number of lots available for occupation, the applicant shall submit a copy of that application and any information required by subdivision (c) to the local planning agency of the jurisdiction where the park is located.

SEC. 6. (a) Except as provided in subdivision (b) or (c), Sections 1, 1.5, and 3 to 5, inclusive, of this act shall become operative July 1, 2005.

(b) Section 1.5 of this bill incorporates amendments to Section 18300 of the Health and Safety Code proposed by both this bill and SB 306. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, (2) each bill amends Section 18300 of the Health and Safety Code, as amended by Section 17 of Chapter 434 of the Statutes of 2001, and (3) this bill is enacted after SB 306, in which case Section 18300 of the Health and Safety Code, as amended by Section 7 of SB 306, shall remain operative only until July 1, 2005, at which time Section 1.5 of this bill shall become operative, and Section 1 of this bill shall not become operative.

(c) Section 4.5 of this bill incorporates amendments to Section 18865 of the Health and Safety Code proposed by both this bill and SB 306. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, (2) each bill amends Section 18865 of the Health and Safety Code, and (3) this bill is enacted after SB 306, in which case Section 18865 of the Health and Safety Code, as amended by SB 306, shall remain

1 *operative only until July 1, 2005, at which time Section 4.5 of this*
2 *bill shall become operative, and Section 1 of this bill shall not*
3 *become operative.*

4 SEC. 7. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution or because a local agency or school district has the
13 authority to levy service charges, fees, or assessments sufficient to
14 pay for the program or level of service mandated by this act, within
15 the meaning of Section 17556 of the Government Code.

